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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/878,307 ✓

Filing Date 06/08/01

First Named Inventor Gobeli, Garth W.

Art Unit 3736

Examiner Name Winakur, Eric Frank

Attorney Docket Number 5899-A-5

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Request to Correct Inventorship; Petition Under 37 CFR 1.183; Declaration; and Postcard. Also enclosed: Issue Fee with Check and Postcard. See Remark
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks  
List of Attachments: Request to Correct Inventorship with Exhibits A-I; Petition Under 37 CFR 1.183 with Exhibit A.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Cahill, von Hellens & Glazer P.L.C.		
Signature			
Printed name	C. Robert von Hellens		
Date	June 21, 2005	Reg. No.	25,714

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Kristen M. Baum	Date	June 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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R 1995

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 260.00

## Complete if Known

Application Number 09/878,307  
Filing Date 06/08/01  
First Named Inventor Gobeli, Garth W.  
Examiner Name Winakur, Eric Frank  
Art Unit 3736  
Attorney Docket No. 5899-A-5

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 03-0088 Deposit Account Name: Cahill, von Hellens...

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	-
Design	200	100	100	50	130	65	-
Plant	200	100	300	150	160	80	-
Reissue	300	150	500	250	600	300	-
Provisional	200	100	0	0	0	0	-

### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- - 20 or HP = -	x -	= -
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- - 3 or HP = -	x -	= -
HP = highest number of independent claims paid for, if greater than 3.		

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)  
- - 100 = - / 50 = - (round up to a whole number) x - = -

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)  
Other (e.g., late filing surcharge): Petition Under 37CFR 1.183; and Request to Correct Inventorship 260.00

## SUBMITTED BY

Signature [Signature] Registration No. 25,714 Telephone 602/956-7000  
Name (Print/Type) C. Robert von Hellens Date June 21, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No. 5899-A-5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: GOBELI, GARTH W.

Serial No.: 09/878,307

**Date: June 21, 2005**

Filed: 06/08/01

For: METHOD AND DEVICE FOR  
GLUCOSE CONCENTRATION  
MEASUREMENT WITH SPECIAL  
ATTENTION TO BLOOD  
GLUCOSE DETERMINATIONS

Date of Deposit: June 21, 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail on the date indicated above, in an envelope postage-paid and is addressed to: MS Issue Fee - Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

*Kristen M. Baum*  
Kristen M. Baum

**PETITION UNDER 37 CFR § 1.183**

**TO WAIVE REQUEST FOR A STATEMENT BY NAMED INVENTOR  
THAT ERROR OF INVENTORSHIP OCCURRED WITHOUT DECEPTIVE INTENT**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above identified application is sought to be amended to add ALAN J. LESZINSKE as a co-inventor with GARTH W. GOBELI. In the parent application, Serial No. 08/873,999, now U.S. Patent No. 6/246,893, Mr. Gobeli was originally identified as the sole inventor. This error is presently sought to be corrected in the issued patent by the filing of Reissue application; Serial No. 10/725,360 on December 1, 2003. The present application is a continuation of application Serial No. 08/873,999 and it also suffers from a failure to recite in the originally filed

06/27/2005 WABDELRI 00000075 030088 09878307  
02 FC:1462 270.00 DA 130.00 DP

formal papers that Mr. Gobeli and Mr. Leszinske are joint inventors.

The attached Declaration of Mr. Leszinske (Exhibit A) recites facts in support of this Petition to waive the requirement for a statement by the originally named and remaining inventor. Moreover, Mr. Leszinske declares that this inventorship error occurred without deceptive intent.

Grant of this Petition to waive the filing of a statement by the originally named inventor (Gobeli) is respectfully requested.

Charge any additional fees to Account No. 03-0088. This paper is submitted in  
**DUPLICATE.**

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.

A handwritten signature in black ink, appearing to read "C. Robert von Hellens", written in a cursive style.

C. Robert von Hellens

Reg. No. 25,714

155 Park One  
2141 E. Highland Avenue  
Phoenix, Arizona 85016  
Telephone (602) 956-7000  
c:\Clients\MedTec-Petition\Petition

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**EXHIBIT A**



DECLARATION OF ALAN J. LESZINSKE  
IN SUPPORT OF A PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION  
SERIAL NO. 09/878,307

I, Alan J. Leszinske, declare the following:

I am a founder and president of Complex Light Valve Corporation ("Complex") and TecMed, Incorporated ("TecMed"), corporations of the State of New Mexico.

For a period of time Garth W. Gobeli ("Gobeli") was employed in a technical capacity by Complex and TecMed. Gobeli was named as the sole inventor in patent application Serial No. 08/873,999, filed June 12, 1997 which issued as Patent No. 6,246,893 on June 12, 2001 and was named as the sole inventor in a continuation patent application, Serial No. 09/878,307, filed June 8, 2001.

The development of a hostile relationship between Gobeli and other employees of Complex and TecMed resulted in the termination of Gobeli's employment in November 1997.

Following termination of employment, Gobeli refused to participate in ongoing patent related matters although he did execute an assignment to TecMed of the Serial No. 08/873,999 patent application and all continuation applications thereof in 2001, but only after being threatened with a law suit to force compliance with his employment agreement.

An audit of the patent portfolio of Complex and TecMed in 2003 revealed that I should have been named as a co-inventor of the invention claimed in Patent No. 6,246,893 and of the invention disclosed and claimed in continuation application of this patent, Serial No. 09/878,307. Reissue application Serial No. 10/725,360 was filed on December 1, 2003 to correct inventorship in Patent No. 6,246,893. The present Petition is filed to correct inventorship in patent application Serial No. 09/878,307. This inventorship error occurred without deceptive intent.

The decision to proceed by way of a Petition under 35 USC § 116 and 37 CFR § 1.48(a) is made in the belief that no statement regarding correction of inventorship could be obtained from named inventor Gobeli as required by 35 USC § 116 and 37 CFR § 1.48. The present whereabouts of Gobeli are not known and, if he could be found, his past conduct strongly suggests that he would not agree to submit a statement either agreeing to the change of inventorship or that he has no disagreement in regard to the change of inventorship; moreover, it is highly unlikely that he would either agree or not agree that the error of inventorship was without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 USC § 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date June 20, 2005

  
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Alan J. Leszinske



Docket No. 5899-A-5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: GOBELI, GARTH W.

Serial No.: 09/878,307

**Date: June 21, 2005**

Filed: 06/08/01

For: METHOD AND DEVICE FOR  
GLUCOSE CONCENTRATION  
MEASUREMENT WITH SPECIAL  
ATTENTION TO BLOOD  
GLUCOSE DETERMINATIONS

Date of Deposit: June 21, 2005  
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P.O. Box 1450, Alexandria, VA 22313-1450

*Kristen M. Baum*  
Kristen M. Baum

**PETITION UNDER 37 CFR § 1.183**  
**TO WAIVE REQUEST FOR A STATEMENT BY NAMED INVENTOR**  
**THAT ERROR OF INVENTORSHIP OCCURRED WITHOUT DECEPTIVE INTENT**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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formal papers that Mr. Gobeli and Mr. Leszinske are joint inventors.

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**DUPLICATE.**

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.



C. Robert von Hellens  
Reg. No. 25,714

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c:\Clients\MedTec-Petition\Petition

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**EXHIBIT A**

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IN SUPPORT OF A PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION  
SERIAL NO. 09/878,307

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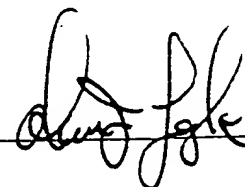
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An audit of the patent portfolio of Complex and TecMed in 2003 revealed that I should have been named as a co-inventor of the invention claimed in Patent No. 6,246,893 and of the invention disclosed and claimed in continuation application of this patent, Serial No. 09/878,307. Reissue application Serial No. 10/725,360 was filed on December 1, 2003 to correct inventorship in Patent No. 6,246,893. The present Petition is filed to correct inventorship in patent application Serial No. 09/878,307. This inventorship error occurred without deceptive intent.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 USC § 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date June 20, 2005

  
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Alan J. Leszinske

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: GOBELI, GARTH W.


Serial No.: 09/878,307

**Date: June 21, 2005**

Filed: 06/08/01

For: METHOD AND DEVICE FOR  
GLUCOSE CONCENTRATION  
MEASUREMENT WITH SPECIAL  
ATTENTION TO BLOOD  
GLUCOSE DETERMINATIONS

Date of Deposit: June 21, 2005  
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addressed to: MS Issue Fee - Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450

  
Kristen M. Baum

**REQUEST TO CORRECT INVENTORSHIP**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the present application, Serial No. 09/878,307, the filing receipt (Exhibit A) and Publication No. US2001/0031914 (cover page only Exhibit B) published October 18, 2001 recite the inventors as GARTH W. GOBELI and ALAN J. LESZINSKE as the inventors. This is correct. However, the formal document (Declaration -- Exhibit C) filed with this application recites GARTH W. GOBELI as the sole inventor. This is in error and the reason for filing this Request.

06/27/2005 WABDELRI 00000075 030088 09878307  
01 FC:1464 130.00 DP

It is requested that ALAN J. LESZINSKE be added as a joint inventor in the above identified application for reasons set forth below.

The above-identified application is a continuation of an application entitled "Method and Device for Glucose Concentration Measurement with Special Attention to Blood Glucose Determinations" assigned Serial No. 08/873,999 filed June 12, 1997 and naming GARTH W. GOBELI as the sole inventor. This application matured into U.S. Patent No. 6,246,893 on June 12, 2001.

A reissue application; assigned Serial No. 10/725,360, for reissuing U.S. Patent No. 6,246,893 was filed December 1, 2003 for the purpose of amending inventorship to include ALAN J. LESZINSKE as a joint inventor. A copy of the filed request to amend inventorship is enclosed as Exhibit D, along with a copy of the Reissue Application Declaration by the Assignee, Alan J. Leszinske (Exhibit E) and a copy of the Declaration of Alan J. Leszinske in Support of Reissue Patent Application Serial No. 10/725,360 (Exhibit F). All of these documents were received in the United States Patent Office on April 8, 2005, as set forth in the enclosed stamped return postcard (Exhibit G). A decision on this request has not yet been received by the office of the undersigned.

As the present application (Serial No. 09/878,307) is a continuation of the patent application that matured into U.S. Patent No. 6,246,893, the identical subject matter is disclosed in both applications. Both applications are owned by a common assignee, Alan J. Leszinske, and a written consent (37 CFR 3.73(b)) is attached as Exhibit H.

The attached Declaration of ALAN J. LESZINSKE (Exhibit I) sets forth facts in support of this Request.

Charge any additional fees to Account No. 03-0088. This paper is submitted in  
**DUPLICATE.**

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.

A handwritten signature in black ink, appearing to read "C. Robert von Hellens", written in a cursive style.

C. Robert von Hellens  
Reg. No. 25,714

155 Park One  
2141 E. Highland Avenue  
Phoenix, Arizona 85016  
Telephone (602) 956-7000  
c:\Clients\Med Tec-Petition\RequestToCorrectInventorship

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**EXHIBIT A**





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/878,307	06/08/2001	3739	395	5899-A-05	9	18	4

CONFIRMATION NO. 4447

## FILING RECEIPT



\*OC000000006291641\*

Charles R. Hoffman, Esq.  
CAHILL, SUTTON & THOMAS P.L.C.  
2141 East Highland Avenue  
155 Park One  
Phoenix, AZ 85016

Date Mailed: 07/12/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Garth W. Gobeli, Albuquerque, NM;  
Alan J. Leszinske, Albuquerque, NM;

## Assignment For Published Patent Application

TECMED, INCORPORATED (a New Mexico corporation);

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 08/873,999 06/12/1997 PAT 6,246,893

## Foreign Applications

If Required, Foreign Filing License Granted 07/12/2001

Projected Publication Date: 10/18/2001

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

For Use By CS&T Docket Clerk Only	
Inventor:	<i>Just file</i>
Date:	<i>7-17-01</i>
Signed:	<i>ju</i>

RECEIVED  
CAHILL, SUTTON & THOMAS, P.L.C.

Method and device for glucose concentration measurement with special attention to blood glucose determinations

Preliminary Class

600

---

Data entry by : ZEWDIE, HULEMENAYE

Team : OIPE

Date: 07/12/2001

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

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US 20010031914A1

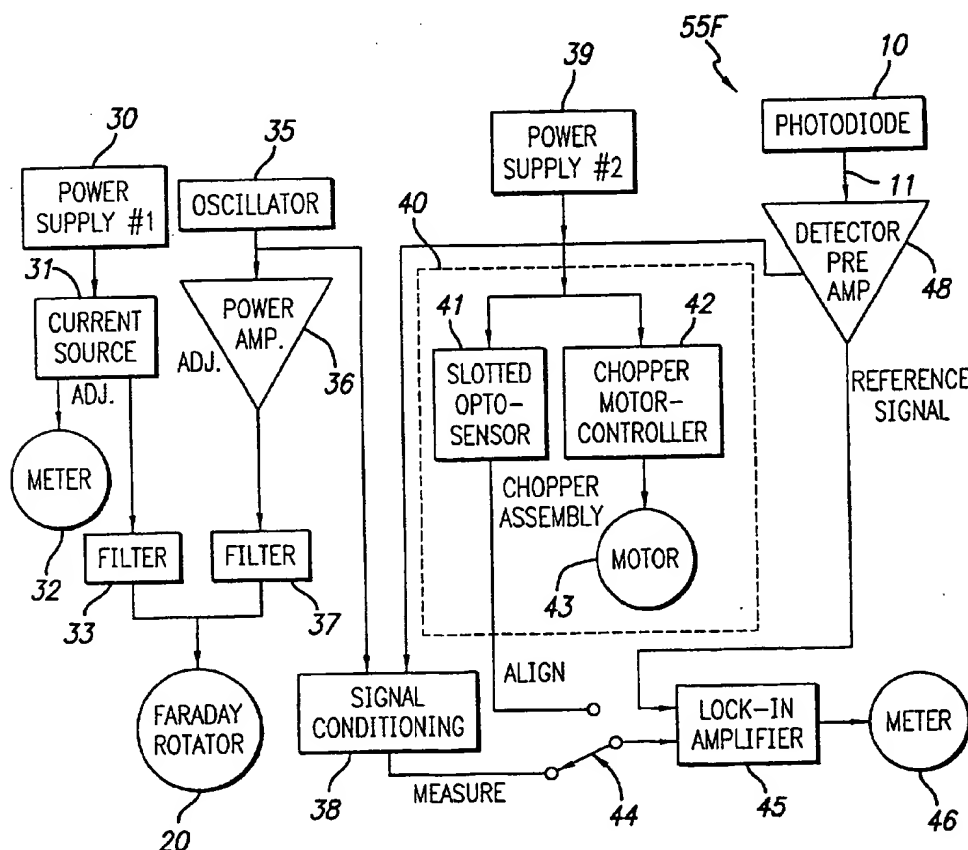
(19) **United States**(12) **Patent Application Publication** (10) **Pub. No.: US 2001/0031914 A1****Gobeli et al.**(43) **Pub. Date: Oct. 18, 2001**(54) **METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS****Related U.S. Application Data**

(63) Continuation of application No. 08/873,999, filed on Jun. 12, 1997, now Pat. No. 6,246,893.

**Publication Classification**(75) Inventors: **Garth W. Gobeli**, Albuquerque, NM (US); **Alan J. Leszinske**, Albuquerque, NM (US)(51) **Int. Cl.<sup>7</sup>** ..... **A61B 5/00**  
(52) **U.S. Cl.** ..... **600/318; 600/319; 600/336**(57) **ABSTRACT**

The concentration of glucose in the anterior chamber of an eye is non-invasively measured by guiding a beam through a polarizer (4), a quarter wave plate (6), a polarization modulator (20), and an analyzer (7). After initializing the polarizer and the analyzer to extinguish the beam, it is guided parallel to the iris (56) of the eye (50) and introduced into the anterior chamber (57), wherein it is refracted, impinges on and is reflected from the iris, and exits the anterior chamber approximately collinear with the portion (55A) of the beam incident on the anterior chamber. The beam then is guided onto a detector (10), and a sufficient signal is applied to the polarization modulator to extinguish the beam. The signal represents the glucose concentration in the patient's blood.

Correspondence Address:  
**Charles R. Hoffman, Esq.**  
**CAHILL, SUTTON & THOMAS P.L.C.**  
 2141 East Highland Avenue  
 155 Park One  
 Phoenix, AZ 85016 (US)

(73) Assignee: **TECMED, INCORPORATED** (a New Mexico corporation)(21) Appl. No.: **09/878,307**(22) Filed: **Jun. 8, 2001**

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Docket No.  
5899-A-01

DECLARATION AND POWER OF ATTORNEY

As President of TecMed, Incorporated, which the invention rightfully belongs, I declare that the information given herein is true, and that I believe Garth W. Gobeli, last of 1004 Warm Sands Trail, SE., Albuquerque, New Mexico 87123, is the original, first and sole inventor of the invention described in the specification of the patent application entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS, Serial No. 08/873,999, filing date 6/12/97:

My residence, post office address and citizenship are as stated below next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day Month Year filed)	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>(Application Number)</u>	<u>(Filing Date)</u>
-----------------------------	----------------------

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint:

Charles R. Hoffman, Reg. No. 26,556; William C. Cahill,  
Reg. No. 19,742; C. Robert von Hellens, Reg. No. 25,714;  
Marvin A. Glazer, Reg. No. 28,801; and  
Thomas G. Watkins, III, Reg. No. 27,964;

my attorneys with full power of substitution and revocation, to prosecute  
this application and to transact all business in the Patent and Trademark  
Office connected therewith.

Address all telephone calls to: Charles R. Hoffman (602) 956-7000

Address all correspondence to:

CAHILL, SUTTON & THOMAS P.L.C., ATTN: Charles R. Hoffman  
2141 East Highland Avenue, 155 Park One, Phoenix, Arizona 85016

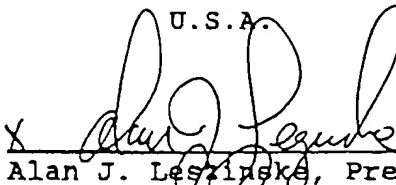
Wherefore I pray that Letters Patent be granted to TecMed, Incorporated for  
the invention or discovery described and claimed in the above-identified  
patent application.

Full name of sole inventor:	Garth W. Gobeli
Last Known Residence:	1004 Warm Sands Trail, SE Albuquerque, New Mexico 87123
Post Office Address:	Same
Citizenship:	U.S.A.

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Full name of person signing:	Alan J. Leszinske
Title of Person signing:	President TecMed, Incorporated
Residence address of Person signing:	938 Camino del Rio NW Albuquerque, New Mexico 87114
Post Office Address:	Same
Citizenship:	U.S.A.

Signature

X   
Alan J. Leszinske, President

Date March 6, 1998



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
	)	
Applicant: Garth Gobeli	)	
	)	Art Unit 3739
Serial No. 10/725,360	)	Examiner David M. Shay
	)	
Filed: December 1, 2003	)	
	)	
For: Method and Device for	)	
Glucose Concentration	)	
Measurement with Special	)	
Attention to Blood Glucose	)	
Determination	)	
	)	

---

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Kindly amend the above-identified reissue application by making the following appended documents of record:

- Reissue Application Declaration by the Assignee, Alan J. Leszinske

and

- Declaration of Alan J. Leszinske in Support of Reissue Patent Application Serial No. 10/725/360

Remarks begin on page 2 of this paper.

## REMARKS

The new Reissue Application Declaration present herewith is executed by Mr. Alan Leszinske, the present assignee of record of the entire right, title and interest in this application.

The submitted Declaration of Alan J. Leszinske in Support of Reissue Patent Application Serial No. 10/725,360 (this application) verifies the decision of the applicant to correct inventorship by way of reissue rather than certificate of correction.

To obtain a certificate of correction of inventorship under 35 U.S.C. 256 and 37 C.F.R. 1.324 the latter requires that the current named inventor, Garth Gobeli, provide a statement either agreeing to the change of inventorship or that he has no disagreement in regard to the change. It is believed that no such statement could be procured from Mr. Gobeli. The facts supporting this belief are recited in the Declaration of Alan J. Leszinske in Support of Reissue Patent Application Serial No. 10/725,360 appended to this Response. Confronted with the inevitable inability to obtain a statement from Mr. Gobeli, the decision was made to proceed to correct inventorship by way of reissue under 35 U.S.C. 251 and 37 C.F.R. 1.172.

MPEP §1481 provides:

“If an inventor is not available, or refuses, to submit a statement, the assignee of the patent may wish to consider filing a reissue application to correct inventorship, since the inventor’s statement is not required for a non-broadening reissue application to correct inventorship. See MPEP §1412.04.”

And MPEP §1412.04 provides:

“REISSUE AS A VEHICLE FOR CORRECTING INVENTORSHIP

Where the provisions of 35 U.S.C. 256 and 37 C.F.R. 1.324 do not apply, a reissue application is the appropriate vehicle to correct inventorship."

This reissue application with the Declaration of the assignee submitted herewith fully complies with 35 U.S.C. 251 and 37 C.F.R. 1.172 and allowance thereof is respectfully requested.

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.



William C. Cahill  
Attorney for Applicant

Date

4/6/05  
155 Park One  
2141 E. Highland Avenue  
Phoenix, Arizona 85016  
Phone: (602) 956-7000  
Fax: (602) 495-9475  
E-mail: [cahill@cvglaw.com](mailto:cahill@cvglaw.com)

Our Docket No. 5899-RE-01

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**EXHIBIT E**

<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>	Docket Number (optional) <b>5899-RE-01</b>
<p>I hereby declare that:</p> <p>The residence, mailing address and citizenship of the inventors are stated below.</p> <p>I am authorized to act on behalf of the following assignee: <u>Myself</u></p> <p>and the title of my position with said assignee is: _____</p> <p>The entire title to the patent identified below is vested in said assignee.</p>	
Inventor <b>COBELI, Garth W. (presently named)</b>	Citizenship <b>U.S.A.</b>
Residence/Mailing Address <b>Unknown</b>	
Inventor <b>LESZINSKE, Alan J. (to be named)</b>	Citizenship <b>U. S. A.</b>
Residence/Mailing Address <b>5012 Copper Blvd., N.E., Albuquerque, N.M. 87108</b>	
<input type="checkbox"/> Additional inventors are named on separately numbered sheets attached hereto.	
Patent Number <b>6,246,893 B1</b>	Date of Patent Issued <b>June 12, 2001</b>
<p>I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:</p> <div style="border: 1px solid black; padding: 10px; min-height: 40px;"><b>Method and Device for Glucose Concentration Measurement, etc.</b></div>	
<p>the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>December 1, 2003</u> as reissue application number <u>10 / 725,360</u></p> <p>and was amended on _____</p> <p style="text-align: center;">(If applicable)</p>	
<p>I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p> <p><input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input checked="" type="checkbox"/> by reason of other errors.</p>	

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (Optional)

At least one error upon which reissue is based is described as follows:

An inventor, Alan J. Leszinske, was not named as one of the true inventors in the issued patent.

[Attach additional sheets, if needed.]

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint:

☐ Practitioners associated with Customer Number:

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Correspondence Address: Direct all communications about the application to:

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signature

*Alan J. Leszinske*

Date *March 15, 2005*

Full name of person signing (given name, family name)

Alan J. Leszinske

Address of Assignee

5012 Copper Blvd.m N.E., Albuquerque, N.M. 87108

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DECLARATION OF ALAN J. LESZINSKE  
IN SUPPORT OF REISSUE PATENT APPLICATION  
SERIAL NO. 10/725,360

I, Alan J. Leszinske, declare the following:

I am a founder and president of Complex Light Valve Corporation ("Complex") and TecMed, Incorporated ("TecMed"), corporations of the State of New Mexico.

For a period of time Garth W. Gobeli ("Gobeli") was employed in a technical capacity by Complex and TecMed. Gobeli was named as the sole inventor in patent application serial No. 08/873,999, filed June 12, 1997 which issued as patent No. 6,246,893 on June 12, 2001.

The development of a hostile relationship between Gobeli and other employees of Complex and TecMed resulted in the termination of Gobeli's employment in November, 1997.

Following termination of employment Gobeli refused to participate in ongoing patent related matters although he did execute an assignment of the 08/873,999 patent application in 2001, but only after being threatened with a law suit to force compliance with his employment agreement.


An audit of the patent portfolio of Complex and TecMed in 2003 revealed that I should have been named as a co-inventor of patent 6,246,893. Reissue application Serial No. 10/725,360 was filed on December 1, 2003 to correct inventorship in patent 6,246,893.

The decision to proceed by way of reissue under 35 U.S.C. 251 and 37 C.F.R. 1.172 was made in the belief that no statement regarding correction of inventorship could be obtained from named inventor Gobeli as required by 35 U.S.C. 256 and 37 C.F.R. 1.324. The present whereabouts of Gobeli are not known and, if he could be found, his past conduct strongly suggests that he would not agree to submit a statement either agreeing to the change of inventorship or that he has no disagreement in regard to the change.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date

March 15, 2005

  
Alan J. Leszinske

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PLEASE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:  
AMENDMENT

APPLICANT: Garth Gobeli  
SERIAL NO.: 10/725,360

FILED:

FOR:

December 1, 2003  
Method and Device for Glucose Concentration Measurement with Spectral  
Attention to Blood Glucose Determinations

INCLUDING:

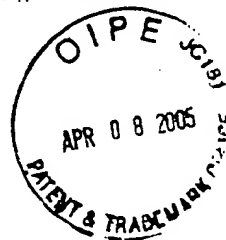
Transmittal Form; 3 pages of Amendment; Reissue Application Declaration By  
The Assignee (2 pages); Declaration Of Alan J. Leszinske In Support Of Reissue Patent  
Application Serial No. 10/725,360 (1 page); postcard.

WC/CH/rh

Date Mailed: April 6, 2005

DOCKET NO.:

5899-RE-01



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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Alan J. LeszinskeApplication No./Patent No.: 09/878,307 Filed/Issue Date: 6/8/01Entitled: **METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS**Alan J. Leszinske, a Individual  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

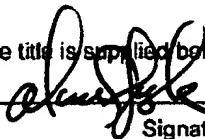
1. From: Gobell To: TecMed  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: TecMed To: Leszinske  
The document was recorded in the United States Patent and Trademark Office at Reel 014852, Frame 0703, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Alan J. Leszinske

Printed or Typed Name

June 20, 2001

Date

(505) 265-9345

Telephone Number

\_\_\_\_\_  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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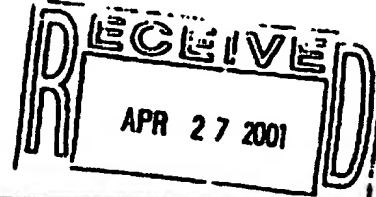
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05-07-2001



101704058



4/27/01

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RECORDATION FORM COVER SHEET

U.S. Department of Commerce  
Patent and Trademark Office

To the Honorable Commissioner of Patent and Trademarks: Please record the attached original documents or copy the

<p>1. Name of conveying party(ies): Carth W. Gehall</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p>2. Name and address of receiving party(ies): Name: TECMED, INCORPORATED Internal Address: 3012 Copper Blvd., N.E. Albuquerque, New Mexico 87108</p> <p>Street Address: Same</p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: April 23, 2001</p>		<p>4. Application number(s) or patent number(s): A. Patent Application No. (s) Patent Application Serial No. 09/873,999 filed 6/18/99 and entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS", Ser Docket No. 3899-A-01.</p> <p>Additional copies attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: Charles R. Hoffman Gehall, Sutton &amp; Thomas P.L.C. Internal Address: 2141 E. Highland Avenue, Ste. 135 Phoenix, Arizona 85016</p> <p>Street Address: Same</p> <p>City: _____ State: _____ Zip: _____</p>		<p>6. Total number of applications and patents involved: One</p> <p>7. Total Fee (37 CFR 3.41) \$40.00 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: (Attach duplicate copy of this page if paying by deposit account)</p>	

05/04/2001 18YRHE 00000067 08473999

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true original document.

Charles R. Hoffman  
Name of Person Signing

*Charles R. Hoffman*  
Signature

April 25, 2001  
Date

Total number of pages including cover sheet, attachments, and document: 3

DATENT

ASSIGNMENT

This Assignment is made and executed this 23rd  
of April, 2001, by and between:

GARTH W. GOBELI  
An individual residing at  
1004 Warm Sands Trail, S.E.  
Albuquerque, New Mexico 87123

)  
) Hereinafter referred  
) to as "ASSIGNOR"  
)

and  
)

TECMED, INCORPORATED  
a New Mexico Corporation  
having a principal place  
of business at  
5012 Copper Blvd., N.E.  
Albuquerque, New Mexico 87108

)  
) Hereinafter referred  
) to as "ASSIGNEE"  
)  
)  
)  
)

W I T N E S S E T H:

WHEREAS, ASSIGNOR is the inventor of the improvements described and claimed in the application for United States Letters Patent Serial No. 08/873,999, filed June 12, 1997 and entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS", hereinafter referred to as "PATENT RIGHTS";

WHEREAS, ASSIGNOR desires to assign his right, title and interest in and to the above-identified PATENT RIGHTS to ASSIGNEE.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged:

1. ASSIGNOR does hereby sell and assign to ASSIGNEE, its successors and assigns, his entire right, title and interest in and to the improvements described and claimed in the above-identified PATENT RIGHTS, including: (a) any and all domestic and foreign patents and applications therefor based upon said improvements; (b) any and all divisions, reissues, continuations, and extensions based upon the above-identified patents and applications therefor; and (c) any and all rights of priority resulting from the filing of any of the above-identified

23 APRIL '01  
Date

Garth W. Gobeli  
GARTH W. GOBELI

STATE OF NEW MEXICO )

official seal. IN WITNESS WHEREOF, I have set my hand and

Thomas Jones  
Notary Public

January 27, 2004



ORDER NUMBER	719144
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BIN NUMBER	0
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Page 1 of 1



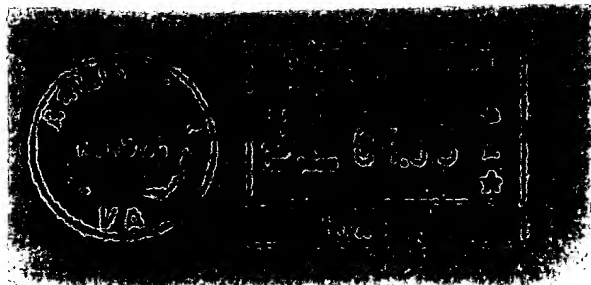
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JULY 16, 2004

PTAS



\*102642862A\*

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KEVIN LYNN WILDENSTEIN  
6700-B JEFFERSON NE, SUITE 8  
ALBUQUERQUE, NM 87109

### UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/07/2004

REEL/FRAME: 014852/0703  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
TECMED, INCORPORATED

DOC DATE: 01/05/2004

ASSIGNEE:  
LESZINSKE, ALAN J.  
5012 COPPER BLVD. NE  
ALBUQUERQUE, NEW MEXICO 87108

SERIAL NUMBER: 09591955  
PATENT NUMBER: 6370407  
TITLE: SYSTEM FOR IMPROVING THE SENSITIVITY AND STABILITY OF OPTICAL POLARIMETRIC MEASUREMENTS

FILING DATE: 06/12/2000  
ISSUE DATE: 04/09/2002

SERIAL NUMBER: 08873999  
PATENT NUMBER: 6246893  
TITLE: METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS

FILING DATE: 06/12/1997  
ISSUE DATE: 06/12/2001

014852/0703 PAGE 2

MARGARET LASALLÉ, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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DECLARATION OF ALAN J. LESZINSKE  
IN SUPPORT OF A PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION  
SERIAL NO. 09/878,307

I, Alan J. Leszinske, declare the following:

I am a founder and president of Complex Light Valve Corporation ("Complex") and TecMed, Incorporated ("TecMed"), corporations of the State of New Mexico.

For a period of time Garth W. Gobeli ("Gobeli") was employed in a technical capacity by Complex and TecMed. Gobeli was named as the sole inventor in patent application Serial No. 08/873,999, filed June 12, 1997 which issued as Patent No. 6,246,893 on June 12, 2001 and was named as the sole inventor in a continuation patent application, Serial No. 09/878,307, filed June 8, 2001.

The development of a hostile relationship between Gobeli and other employees of Complex and TecMed resulted in the termination of Gobeli's employment in November 1997.

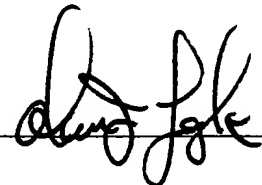
Following termination of employment, Gobeli refused to participate in ongoing patent related matters although he did execute an assignment to TecMed of the Serial No. 08/873,999 patent application and all continuation applications thereof in 2001, but only after being threatened with a law suit to force compliance with his employment agreement.

An audit of the patent portfolio of Complex and TecMed in 2003 revealed that I should have been named as a co-inventor of the invention claimed in Patent No. 6,246,893 and of the invention disclosed and claimed in continuation application of this patent, Serial No. 09/878,307. Reissue application Serial No. 10/725,360 was filed on December 1, 2003 to correct inventorship in Patent No. 6,246,893. The present Petition is filed to correct inventorship in patent application Serial No. 09/878,307. This inventorship error occurred without deceptive intent.

The decision to proceed by way of a Petition under 35 USC § 116 and 37 CFR § 1.48(a) is made in the belief that no statement regarding correction of inventorship could be obtained from named inventor Gobeli as required by 35 USC § 116 and 37 CFR § 1.48. The present whereabouts of Gobeli are not known and, if he could be found, his past conduct strongly suggests that he would not agree to submit a statement either agreeing to the change of inventorship or that he has no disagreement in regard to the change of inventorship; moreover, it is highly unlikely that he would either agree or not agree that the error of inventorship was without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 USC § 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date June 20, 2005

  
\_\_\_\_\_

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Alan J. Leszinske

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Docket No. 5899-A-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GOBELI, GARTH W.

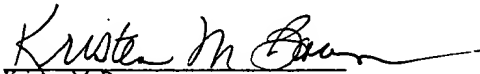
Serial No.: 09/878,307

Date: June 21, 2005

Filed: 06/08/01

For: METHOD AND DEVICE FOR  
GLUCOSE CONCENTRATION  
MEASUREMENT WITH SPECIAL  
ATTENTION TO BLOOD  
GLUCOSE DETERMINATIONS

Date of Deposit: June 21, 2005  
I hereby certify that this correspondence is being deposited  
with the U.S. Postal Service as First Class Mail on the date  
indicated above, in an envelope postage-paid and is  
addressed to: MS Issue Fee - Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450

  
Kristen M. Baum

REQUEST TO CORRECT INVENTORSHIP

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the present application, Serial No. 09/878,307, the filing receipt (Exhibit A) and Publication No. US2001/0031914 (cover page only Exhibit B) published October 18, 2001 recite the inventors as GARTH W. GOBELI and ALAN J. LESZINSKE as the inventors. This is correct. However, the formal document (Declaration -- Exhibit C) filed with this application recites GARTH W. GOBELI as the sole inventor. This is in error and the reason for filing this Request.

It is requested that ALAN J. LESZINSKE be added as a joint inventor in the above identified application for reasons set forth below.

The above-identified application is a continuation of an application entitled "Method and Device for Glucose Concentration Measurement with Special Attention to Blood Glucose Determinations" assigned Serial No. 08/873,999 filed June 12, 1997 and naming GARTH W. GOBELI as the sole inventor. This application matured into U.S. Patent No. 6,246,893 on June 12, 2001. -

A reissue application; assigned Serial No. 10/725,360, for reissuing U.S. Patent No. 6,246,893 was filed December 1, 2003 for the purpose of amending inventorship to include ALAN J. LESZINSKE as a joint inventor. A copy of the filed request to amend inventorship is enclosed as Exhibit D, along with a copy of the Reissue Application Declaration by the Assignee, Alan J. Leszinske (Exhibit E) and a copy of the Declaration of Alan J. Leszinske in Support of Reissue Patent Application Serial No. 10/725,360 (Exhibit F). All of these documents were received in the United States Patent Office on April 8, 2005, as set forth in the enclosed stamped return postcard (Exhibit G). A decision on this request has not yet been received by the office of the undersigned.

As the present application (Serial No. 09/878,307) is a continuation of the patent application that matured into U.S. Patent No. 6,246,893, the identical subject matter is disclosed in both applications. Both applications are owned by a common assignee, Alan J. Leszinske, and a written consent (37 CFR 3.73(b)) is attached as Exhibit H.



The attached Declaration of ALAN J. LESZINSKE (Exhibit I) sets forth facts in support of this Request.

Charge any additional fees to Account No. 03-0088. This paper is submitted in  
**DUPLICATE.**

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.

A handwritten signature in black ink, appearing to read "C. Robert von Hellens". The signature is fluid and cursive, with the first name "C" being particularly large and stylized.

C. Robert von Hellens  
Reg. No. 25,714

155 Park One  
2141 E. Highland Avenue  
Phoenix, Arizona 85016  
Telephone (602) 956-7000  
c:\Clients\MedTec-Petition\RequestToCorrectInventorship

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/878,307	06/08/2001	3739	395	5899-A-05	9	18	4

CONFIRMATION NO. 4447

## FILING RECEIPT



\*OC000000006291641\*

Charles R. Hoffman, Esq.  
CAHILL, SUTTON & THOMAS P.L.C.  
2141 East Highland Avenue  
155 Park One  
Phoenix, AZ 85016

Date Mailed: 07/12/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Garth W. Gobeli, Albuquerque, NM;  
Alan J. Leszinske, Albuquerque, NM;

## Assignment For Published Patent Application

TECMED, INCORPORATED (a New Mexico corporation);

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 08/873,999 06/12/1997 PAT 6,246,893

## Foreign Applications

If Required, Foreign Filing License Granted 07/12/2001

Projected Publication Date: 10/18/2001

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

For Use By CS&T Docket Clerk Only	
Date:	7-17-01
Signed:	SW

DEPT. OF COMMERCE  
U.S. PATENT & TRADEMARK OFFICE  
WASHINGTON, D.C. 20231

Method and device for glucose concentration measurement with special attention to blood glucose determinations

Preliminary Class

600

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Data entry by : ZEWDIE, HULEMENAYE

Team : OIPE

Date: 07/12/2001

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

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Gobeli et al.

(10) Pub. No.: US 2001/0031914 A1

(43) **Pub. Date:** **Oct. 18, 2001**

### Related U.S. Application Data

(63) Continuation of application No. 08/873,999, filed on Jun. 12, 1997, now Pat. No. 6,246,893.

### Publication Classification

(75) Inventors: Garth W. Gobell, Albuquerque, NM (US); Alan J. Leszinske, Albuquerque, NM (US)

(51) Int. Cl.<sup>7</sup> ..... A61B 5/00

(52) U.S. Cl. .... 600/318; 600/319; 600/336

(57) **ABSTRACT**

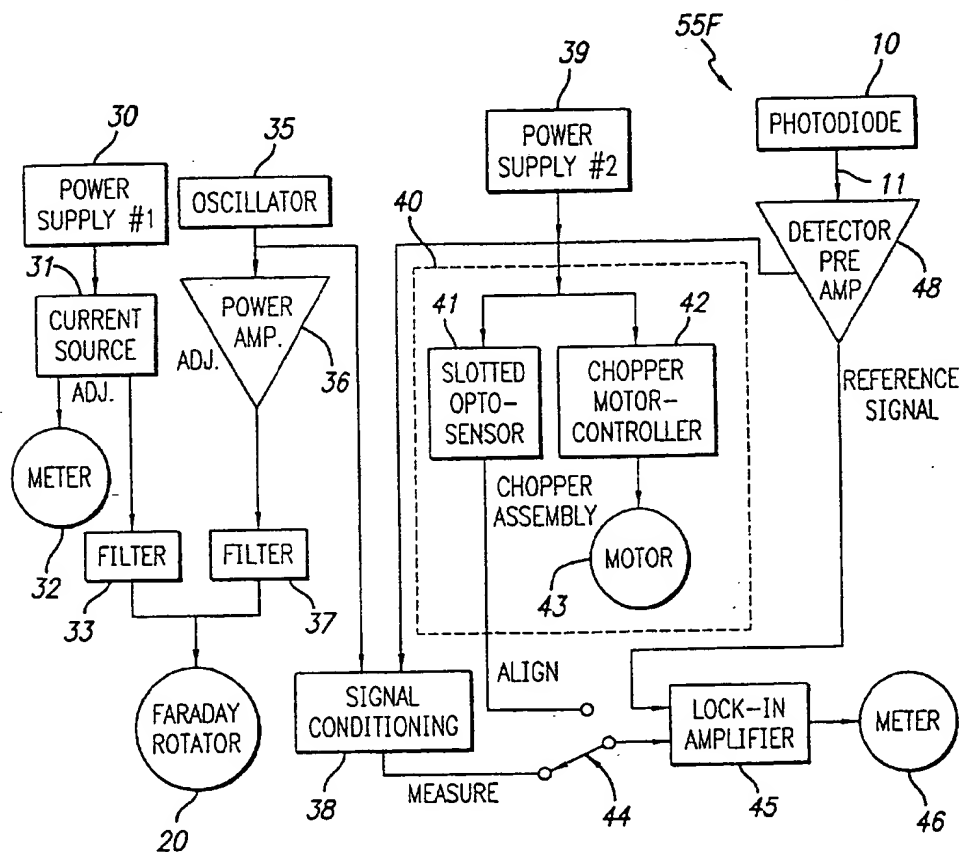
Correspondence Address:  
Charles R. Hoffman, Esq.  
CAHILL, SUTTON & THOMAS P.L.C.  
2141 East Highland Avenue  
155 Park One  
Phoenix, AZ 85016 (US)

The concentration of glucose in the anterior chamber of an eye is non-invasively measured by guiding a beam through a polarizer (4), a quarter wave plate (6), a polarization modulator (20), and an analyzer (7). After initializing the polarizer and the analyzer to extinguish the beam, it is guided parallel to the iris (56) of the eye (50) and introduced into the anterior chamber (57), wherein it is refracted, impinges on and is reflected from the iris, and exits the anterior chamber approximately collinear with the portion (55A) of the beam incident on the anterior chamber. The beam then is guided onto a detector (10), and a sufficient signal is applied to the polarization modulator to extinguish the beam. The signal represents the glucose concentration in the patient's blood.

(73) Assignee: **TECMED, INCORPORATED** (a New Mexico corporation)

(21) Appl. No.: 09/878,307

(22) Filed: Jun. 8, 2001



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Docket No.  
5899-A-01

DECLARATION AND POWER OF ATTORNEY

As President of TecMed, Incorporated, which the invention rightfully belongs, I declare that the information given herein is true, and that I believe Garth W. Gobeli, last of 1004 Warm Sands Trail, SE., Albuquerque, New Mexico 87123, is the original, first and sole inventor of the invention described in the specification of the patent application entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS, Serial No. 08/873,999, filing date 6/12/97:

My residence, post office address and citizenship are as stated below next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day Month Year filed)	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>(Application Number)</u>	<u>(Filing Date)</u>
-----------------------------	----------------------

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint:

Charles R. Hoffman, Reg. No. 26,556; William C. Cahill,  
Reg. No. 19,742; C. Robert von Hellens, Reg. No. 25,714;  
Marvin A. Glazer, Reg. No. 28,801; and  
Thomas G. Watkins, III, Reg. No. 27,964;

my attorneys with full power of substitution and revocation, to prosecute  
this application and to transact all business in the Patent and Trademark  
Office connected therewith.

Address all telephone calls to: Charles R. Hoffman (602) 956-7000

Address all correspondence to:

CAHILL, SUTTON & THOMAS P.L.C., ATTN: Charles R. Hoffman  
2141 East Highland Avenue, 155 Park One, Phoenix, Arizona 85016

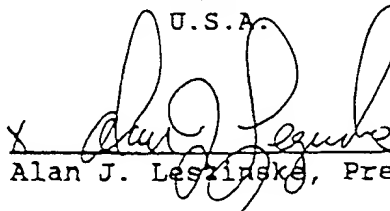
Wherefore I pray that Letters Patent be granted to TecMed, Incorporated for  
the invention or discovery described and claimed in the above-identified  
patent application.

Full name of sole inventor:	Garth W. Gobeli
Last Known Residence:	1004 Warm Sands Trail, SE Albuquerque, New Mexico 87123
Post Office Address:	Same
Citizenship:	U.S.A.

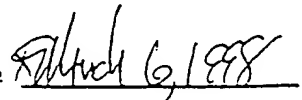
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Full name of person signing:	Alan J. Leszinske
Title of Person signing:	President TecMed, Incorporated
Residence address of Person signing:	938 Camino del Rio NW Albuquerque, New Mexico 87114
Post Office Address:	Same
Citizenship:	U.S.A.

Signature

X   
Alan J. Leszinske, President

Date



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
	)	
Applicant: Garth Gobeli	)	
	)	Art Unit 3739
Serial No. 10/725,360	)	Examiner David M. Shay
	)	
Filed: December 1, 2003	)	
	)	
For: Method and Device for	)	
Glucose Concentration	)	
Measurement with Special	)	
Attention to Blood Glucose	)	
Determination	)	
	)	

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Kindly amend the above-identified reissue application by making the following appended documents of record:

- Reissue Application Declaration by the Assignee, Alan J. Leszinske

and

- Declaration of Alan J. Leszinske in Support of Reissue Patent Application Serial No. 10/725/360

Remarks begin on page 2 of this paper.

## REMARKS

The new Reissue Application Declaration present herewith is executed by Mr. Alan Leszinske, the present assignee of record of the entire right, title and interest in this application.

The submitted Declaration of Alan J. Leszinske in Support of Reissue Patent Application Serial No. 10/725,360 (this application) verifies the decision of the applicant to correct inventorship by way of reissue rather than certificate of correction.

To obtain a certificate of correction of inventorship under 35 U.S.C. 256 and 37 C.F.R. 1.324 the latter requires that the current named inventor, Garth Gobeli, provide a statement either agreeing to the change of inventorship or that he has no disagreement in regard to the change. It is believed that no such statement could be procured from Mr. Gobeli. The facts supporting this belief are recited in the Declaration of Alan J. Leszinske in Support of Reissue Patent Application Serial No. 10/725,360 appended to this Response. Confronted with the inevitable inability to obtain a statement from Mr. Gobeli, the decision was made to proceed to correct inventorship by way of reissue under 35 U.S.C. 251 and 37 C.F.R. 1.172.

MPEP §1481 provides:

“If an inventor is not available, or refuses, to submit a statement, the assignee of the patent may wish to consider filing a reissue application to correct inventorship, since the inventor’s statement is not required for a non-broadening reissue application to correct inventorship. See MPEP §1412.04.”

And MPEP §1412.04 provides:

“REISSUE AS A VEHICLE FOR CORRECTING INVENTORSHIP

Where the provisions of 35 U.S.C. 256 and 37 C.F.R. 1.324 do not apply, a reissue application is the appropriate vehicle to correct inventorship."

This reissue application with the Declaration of the assignee submitted herewith fully complies with 35 U.S.C. 251 and 37 C.F.R. 1.172 and allowance thereof is respectfully requested.

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.



William C. Cahill  
Attorney for Applicant

Date

4/6/05

155 Park One  
2141 E. Highland Avenue  
Phoenix, Arizona 85016  
Phone: (602) 956-7000  
Fax: (602) 495-9475  
E-mail: [cahill@cvglaw.com](mailto:cahill@cvglaw.com)

Our Docket No. 5899-RE-01

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

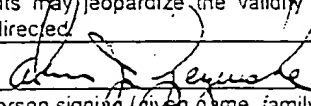
<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>	Docket Number (optional) <b>5899-RE-01</b>
<p>I hereby declare that:</p> <p>The residence, mailing address and citizenship of the inventors are stated below.</p> <p>I am authorized to act on behalf of the following assignee: <u>Myself</u></p> <p>and the title of my position with said assignee is: _____</p> <p>The entire title to the patent identified below is vested in said assignee.</p>	
Inventor <b>COBELI, Garth W. (presently named)</b>	Citizenship <b>U.S.A.</b>
Residence/Mailing Address <b>Unknown</b>	
Inventor <b>LESZINSKE, Alan J. (to be named)</b>	Citizenship <b>U. S. A.</b>
Residence/Mailing Address <b>5012 Copper Blvd., N.E., Albuquerque, N.M. 87108</b>	
<input type="checkbox"/> Additional Inventors are named on separately numbered sheets attached hereto.	
Patent Number <b>6,246,893 B1</b>	Date of Patent Issued <b>June 12, 2001</b>
<p>I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:</p> <div style="border: 1px solid black; padding: 10px; min-height: 40px;"> <p><b>Method and Device for Glucose Concentration Measurement, etc.</b></p> </div>	
<p>the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>December 1, 2003</u> as reissue application number <u>10 / 725,360</u></p> <p>and was amended on _____</p> <p style="text-align: center;">(If applicable)</p>	
<p>I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.</p>	
<p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p>	
<p><input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/028 (or equivalent) listing the foreign applications.</p>	
<p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p>	
<p><input type="checkbox"/> by reason of a defective specification or drawing.</p>	
<p><input type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p>	
<p><input checked="" type="checkbox"/> by reason of other errors.</p>	

(Page 1 of 2)

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket Number (Optional)		
<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>		
At least one error upon which reissue is based is described as follows:  An inventor, Alan J. Leszinske, was not named as one of the true inventors in the issued patent.  <div style="text-align: center; margin-top: 20px;">[Attach additional sheets, if needed]</div>		
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. I hereby appoint:		
<input type="checkbox"/> Practitioners associated with Customer Number: <div style="border: 1px solid black; width: 150px; height: 25px; display: inline-block;"></div>		
OR		
<input type="checkbox"/> Practitioner(s) named below:		
Name	Registration Number	
as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.		
Correspondence Address: Direct all communications about the application to:		
<input type="checkbox"/> The address associated with Customer Number: <div style="border: 1px solid black; width: 150px; height: 25px; display: inline-block;"></div>		
OR		
<input type="checkbox"/> Firm or Individual Name		
Address		
City	State	Zip
Country		
Telephone	Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.		
Signature		Date <u>March 15, 2005</u>
Full name of person signing (given name, family name) <u>Alan J. Leszinske</u>		
Address of Assignee <u>5012 Copper Blvd.m N.E., Albuquerque, N.M. 87108</u>		

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DECLARATION OF ALAN J. LESZINSKE  
IN SUPPORT OF REISSUE PATENT APPLICATION  
SERIAL NO. 10/725,360

I, Alan J. Leszinske, declare the following:

I am a founder and president of Complex Light Valve Corporation ("Complex") and TecMed, Incorporated ("TecMed"), corporations of the State of New Mexico.

For a period of time Garth W. Gobeli ("Gobeli") was employed in a technical capacity by Complex and TecMed. Gobeli was named as the sole inventor in patent application serial No. 08/873,999, filed June 12, 1997 which issued as patent No. 6,246,893 on June 12, 2001.

The development of a hostile relationship between Gobeli and other employees of Complex and TecMed resulted in the termination of Gobeli's employment in November, 1997.

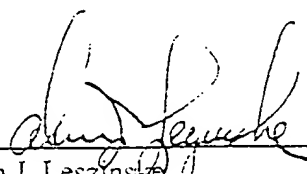
Following termination of employment Gobeli refused to participate in ongoing patent related matters although he did execute an assignment of the 08/873,999 patent application in 2001, but only after being threatened with a law suit to force compliance with his employment agreement.

An audit of the patent portfolio of Complex and TecMed in 2003 revealed that I should have been named as a co-inventor of patent 6,246,893. Reissue application Serial No. 10/725,360 was filed on December 1, 2003 to correct inventorship in patent 6,246,893.

The decision to proceed by way of reissue under 35 U.S.C. 251 and 37 C.F.R. 1.172 was made in the belief that no statement regarding correction of inventorship could be obtained from named inventor Gobeli as required by 35 U.S.C. 256 and 37 C.F.R. 1.324. The present whereabouts of Gobeli are not known and, if he could be found, his past conduct strongly suggests that he would not agree to submit a statement either agreeing to the change of inventorship or that he has no disagreement in regard to the change.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date March 15, 2005

  
\_\_\_\_\_  
Alan J. Leszinske

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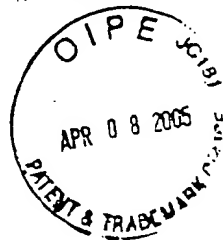
PLEASE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:  
AMENDMENT

APPLICANT: Garth Gubeli  
SERIAL NO.: 10/725,360  
FILED:  
FOR:

December 1, 2003  
Method and Device for Glucose Concentration Measurement with Special  
Attention to Blood Glucose Determinations

INCLUDING: Transmittal Form; 3 pages of Amendment; Reissue Application Declaration By  
The Assignee (2 pages); Declaration Of Alan J. Leszinske In Support Of Reissue Patent  
Application Serial No. 10/725,360 (1 page); postcard.

WC:CH/rh  
Date Mailed: April 6, 2005  
DOCKET NO.: 5809-RE-01



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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Alan J. Leszinska

Application No./Patent No.: 09/878,307 Filed/Issue Date: 6/8/01

Entitled: **METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS**

Alan J. Leszinska, a individual  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

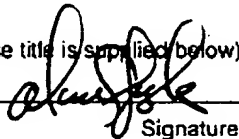
1. From: Gobeli To: TecMed  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: TecMed To: Leszinska  
The document was recorded in the United States Patent and Trademark Office at Reel 014852, Frame 0703, or for which a copy thereof is attached.
3. From: - To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

Alan J. Leszinska

Printed or Typed Name

June 20, 2001  
Date

(505) 265-9345

Telephone Number

\_\_\_\_\_  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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001 01:37 PM CHARLES HOFFMAN

528 443 0570

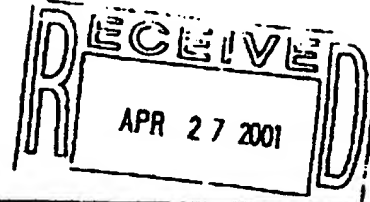
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Form PTO-1595 1-31-92		RECORDATION FORM COVER SHEET		U.S. Department of Commerce Patent and Trademark Office	
To the Honorable Commissioner of Patent and Trademarks: Please record the attached original documents or copy the					
<b>1. Name of conveying party(ies):</b> Garth W. Cobelli			<b>2. Name and address of receiving party(ies):</b> Name: <b>TECHED, INCORPORATED</b> Internal Address: 3012 Copper Blvd., N.E. Albuquerque, New Mexico 87108		
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Street Address: Same		
<b>3. Nature of conveyance:</b> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____			Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>4. Application number(s) or patent number(s):</b> A. Patent Application No. (s) Patent Application Serial No. 08/873,999 filed 6/12/99 and entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS", our Docket No. 3899-A-01. Additional copies attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			B. Patent No. (s)		
<b>5. Name and address of party to whom correspondence concerning</b> <b>document should be mailed:</b> Name: Charles R. Hoffman Cahill, Sutton & Thomas P.L.C. Internal Address: 2141 E. Highland Avenue, Ste. 135 Phoenix, Arizona 85016 Street Address: Same City: _____ State: _____ Zip: _____			<b>6. Total number of applications and patents involved:</b> One		
<b>7. Total Fee (37 CFR 3.41)</b> \$40.00 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account			<b>8. Deposit account number:</b> (Attach duplicate copy of this page if paying by deposit account)		
05/04/2001 BYTRHE 00000067 08473999 01 FC:561 40.00 EP			DO NOT USE THIS SPACE		
<b>9. Statement and signature.</b> To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true original document. Charles R. Hoffman Name of Person Signing  signature April 23, 2001 Date Total number of pages including cover sheet, attachments, and document: 3					

PATENT



ASSIGNMENT

This Assignment is made and executed this 23<sup>rd</sup>  
of April, 2001, by and between:

GARTH W. GOBELI )  
An individual residing at ) Hereinafter referred  
1004 Warm Sands Trail, S.E. ) to as "ASSIGNOR"  
Albuquerque, New Mexico 87123 )

and

TECMED, INCORPORATED )  
a New Mexico Corporation ) Hereinafter referred  
having a principal place ) to as "ASSIGNEE"  
of business at )  
5012 Copper Blvd., N.E. )  
Albuquerque, New Mexico 87108 )

W I T N E S S E T H:

WHEREAS, ASSIGNOR is the inventor of the improvements described and claimed in the application for United States Letters Patent Serial No. 08/873,999, filed June 12, 1997 and entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS", hereinafter referred to as "PATENT RIGHTS";

WHEREAS, ASSIGNOR desires to assign his right, title and interest in and to the above-identified PATENT RIGHTS to ASSIGNEE.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged:

1. ASSIGNOR does hereby sell and assign to ASSIGNEE, its successors and assigns, his entire right, title and interest in and to the improvements described and claimed in the above-identified PATENT RIGHTS, including: (a) any and all domestic and foreign patents and applications therefor based upon said improvements; (b) any and all divisions, reissues, continuations, and extensions based upon the above-identified patents and applications therefor; and (c) any and all rights of priority resulting from the filing of any of the above-identified

23 APRIL '61  
Date

Garth W. Gobeli  
GARTH W. GOBELI

On this 23<sup>rd</sup> day of April, 2001,  
before me, the undersigned, personally appeared GARTH W. GOBELI  
known to me to be the person whose name is subscribed to the  
within instrument, and acknowledged to me that he executed the  
foregoing instrument for the purposes therein contained.

Thomas Jones  
Notary Public

January 27, 2004

ORDER NUMBER	719144
REFERENCE ORDER NUMBER	0
BIN NUMBER	0



## DELIVERY INSTRUCTIONS

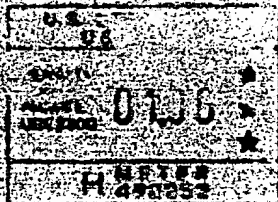
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/07/2004

REEL/FRAME: 014852/0703  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

TECMED, INCORPORATED

DOC DATE: 01/05/2004

ASSIGNEE:

LESZINSKE, ALAN J.  
5012 COPPER BLVD. NE  
ALBUQUERQUE, NEW MEXICO 87108

SERIAL NUMBER: 09591955

FILING DATE: 06/12/2000

PATENT NUMBER: 6370407

ISSUE DATE: 04/09/2002

TITLE: SYSTEM FOR IMPROVING THE SENSITIVITY AND STABILITY OF OPTICAL  
POLARIMETRIC MEASUREMENTS

SERIAL NUMBER: 08873999

FILING DATE: 06/12/1997

PATENT NUMBER: 6246893

ISSUE DATE: 06/12/2001

TITLE: METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH  
SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS

014852/0703 PAGE 2

MARGARET LASALLÉ, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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DECLARATION OF ALAN J. LESZINSKE  
IN SUPPORT OF A PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION  
SERIAL NO. 09/878,307

I, Alan J. Leszinske, declare the following:

I am a founder and president of Complex Light Valve Corporation ("Complex") and TecMed, Incorporated ("TecMed"), corporations of the State of New Mexico.

For a period of time Garth W. Gobeli ("Gobeli") was employed in a technical capacity by Complex and TecMed. Gobeli was named as the sole inventor in patent application Serial No. 08/873,999, filed June 12, 1997 which issued as Patent No. 6,246,893 on June 12, 2001 and was named as the sole inventor in a continuation patent application, Serial No. 09/878,307, filed June 8, 2001.

The development of a hostile relationship between Gobeli and other employees of Complex and TecMed resulted in the termination of Gobeli's employment in November 1997.

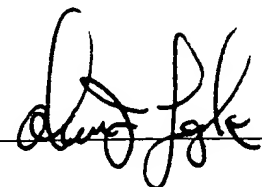
Following termination of employment, Gobeli refused to participate in ongoing patent related matters although he did execute an assignment to TecMed of the Serial No. 08/873,999 patent application and all continuation applications thereof in 2001, but only after being threatened with a law suit to force compliance with his employment agreement.

An audit of the patent portfolio of Complex and TecMed in 2003 revealed that I should have been named as a co-inventor of the invention claimed in Patent No. 6,246,893 and of the invention disclosed and claimed in continuation application of this patent, Serial No. 09/878,307. Reissue application Serial No. 10/725,360 was filed on December 1, 2003 to correct inventorship in Patent No. 6,246,893. The present Petition is filed to correct inventorship in patent application Serial No. 09/878,307. This inventorship error occurred without deceptive intent.

The decision to proceed by way of a Petition under 35 USC § 116 and 37 CFR § 1.48(a) is made in the belief that no statement regarding correction of inventorship could be obtained from named inventor Gobeli as required by 35 USC § 116 and 37 CFR § 1.48. The present whereabouts of Gobeli are not known and, if he could be found, his past conduct strongly suggests that he would not agree to submit a statement either agreeing to the change of inventorship or that he has no disagreement in regard to the change of inventorship; moreover, it is highly unlikely that he would either agree or not agree that the error of inventorship was without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 USC § 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date June 20, 2005

  
\_\_\_\_\_

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Alan J. Leszinske



**DECLARATION**

As below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed in an application entitled "**METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS**" filed June 8, 2001 and assigned Serial No. 09/878,307, as amended by the following amendments: Preliminary Amendment filed with the application, a Revised Preliminary Amendment dated September 11, 2001, an Amendment dated December 21, 2004 and a Response dated February 17, 2005; the Serial No. 09/878,307 application is a continuation of an application entitled "**METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS**", filed June 12, 1997 and assigned Serial No. 18/873,999, now U.S. Patent No. 6,246,893, issued June 12, 2001.

We hereby state that we have reviewed and understand the contents of the above-identified specification including the claims.

We hereby state further that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above pursuant to 37 CFR §1.67(a).

We hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Serial No. \_\_\_\_\_ Filed: \_\_\_\_\_

We acknowledge the duty to disclose to the Patent Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, including such information which occurred between the filing date of the above identified prior application and the present date.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Number: None

Country:

Day, Month and Year filed:

Priority Claimed: ☐ yes ☒ no

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the above-identified patent application.

Full name of first  
inventor:

Garth W. Gobeli

Residence:

Unknown

Post Office Address:

United States of America  
Same as above

Citizenship:

U.S.A.

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of joint  
inventor:

Alan J. Leszinske

Residence:


5012 Copper Blvd.  
Albuquerque, NM 87108  
United States of America

Post Office Address:

same as above

Citizenship:

U.S.A.

Inventor's signature: 

Date: June 20, 2005

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